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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,936	11/08/2001	Patrick M. Flaherty	GWW/05P2	4801
7590	09/30/2004		EXAMINER	NGUYEN, PHONG H
Thomas J. Edgington Kirkpatrick & Lockhart Henry W. Oliver Bldg. 535 Smithfield St. Pittsburgh, PA 15222-2312			ART UNIT	PAPER NUMBER
			3724	
				DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/008,936	FLAHERTY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Phong H Nguyen	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 May 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 27-29 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

2. Claims 1, 2, 5 and 7-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (4,627,214) in view of Jarnagin (5,899,319).

Regarding claims 1, 7-15 and 21-26, Anderson et al. teach a slitting machine comprising a frame having an upper frame and a lower frame, an upper and lower drive shafts 35, a drive motor 47, a plurality of knife holder assemblies 30 and 31, a plurality of rotary knives, a knife holder position adjustment system 51 and 24, a frame adjustment mechanism 41 for vertical adjustment of the upper and the lower frame, and a programmable controller for positioning the knife holder assemblies along the respective drive shafts. See Figs. 1, 2, and col. 4, lines 53-69. Anderson et al., however, do not teach a plurality of drive shaft sections each being coupled through a coupling mechanism. Jarnagin teaches a plurality of drive shaft sections each being coupled through a coupling mechanism. See Fig. 2. Therefore, it would have been obvious to substitute a one segment shaft as taught by Anderson et al. by a multi-segment shaft as taught by Jarnagin since a multi-segment shaft takes less storage space and is easier to transport from one place to another.

Regarding claim 2, an upper frame and a lower frame are best seen in Fig. 1 in Anderson et al.

Regarding claim 5, the knife holder assemblies are adjustable independently. See Fig. 1 in Anderson et al.

Regarding claims 16-20, the frame adjustment mechanism for vertical adjustment of the upper and the lower frame is best seen in Figs. 3, 4, and 9; and col. 6, lines 15-58 in Anderson et al.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (4,627,214) in view of Jarnagin (5,899,319) as applied to claims above, and further in view of Bando (5,88,268).

The combination of Anderson and Jarnagin teaches using racks 24 and pinions 51 for the knife holder position adjustment system but not the threaded shafts. Bando teaches art equivalence of threaded shafts and racks and pinions. See Fig. 1 and col. 3, lines 10-24. Therefore, it would have been obvious to substitute racks and pinions for threaded shafts since they are equivalent as suggested by Bando.

A plurality of motors 50 for knife holder assemblies 30 and 31 are best seen in Fig. 1 in Anderson et al. The ball nuts for use with threaded shafts are best seen in Fig. 3 in Brando.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (4,627,214) in view of Jarnagin (5,899,319) and Bando (5,88,268).

Anderson et al. teach a slitting machine comprising a frame having an upper frame and a lower frame, an upper and lower drive shafts 35, a drive motor 47, a plurality

of knife holder assemblies 30 and 31, a plurality of rotary knives, a knife holder position adjustment system 51 and 24, a frame adjustment mechanism 41 for vertical adjustment of the upper and the lower frame, and a programmable controller for positioning the knife holder assemblies along the respective drive shafts. See Figs. 1, 2, and col. 4, lines 53-69. Anderson et al., however, do not teach a plurality of drive shaft sections each being coupled through a coupling mechanism. Jarnagin teaches a plurality of drive shaft sections each being coupled through a coupling mechanism. See Fig. 2. Therefore, it would have been obvious to substitute a one segment shaft as taught by Anderson et al. by a multi-segment shaft as taught by Jarnagin since a multi-segment shaft takes less storage space and is easier to transport from one place to another.

The combination of Anderson and Jarnagin teaches using racks 24 and pinions 51 for the knife holder position adjustment system but not the threaded shafts. Bando teaches art equivalence of threaded shafts and racks and pinions. See Fig. 1 and col. 3, lines 10-24. Therefore, it would have been obvious to substitute racks and pinions for threaded shafts since they are equivalent as suggested by Bando.

A plurality of motors 50 for knife holder assemblies 30 and 31 are best seen in Fig. 1 in Anderson et al. The ball nuts for use with threaded shafts are best seen in Fig. 3 in Bando.

#### *Response to Arguments*

5. Applicant's arguments filed on 05/24/2004 have been fully considered but they are not persuasive.

Regarding the Applicant's argument with respect to Bando, Bando is applied to teach the art equivalence of threaded shafts, and racks and pinions but not elements of claims 3, 4 and 6 as asserted by the Applicant. Elements of claims 3, 4 and 6 are anticipated by the combination of Anderson et al. and Chambers. Thus, Applicant's argument is moot.

Applicant's argument with respect to the combination of Anderson et al. and Chambers is persuasive. A new combination of Anderson et al. and Jarnagin is applied to teach a plurality of drive shaft section each being coupled through a coupling mechanism. Thus, Applicant's argument is moot.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 703-305-4989. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN: *pn*



September 23, 2004

Allan N. Shoap  
Supervisory Patent Examiner  
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